

IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-1560 of 2017

Present:

**Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Muhammad Humayon Khan**

Muhammad Abid-----Petitioner.

Versus

Ali Hassan Barohi & others ----- Respondents.

Date of hearing: 23.05.2017

Date of Order: 23.05.2017

Petitioner: Through Mr. Ashiq Muhammad,
Advocate.

Official Respondents: Through Mr. Miran Muhammad Shah,
Addl. A.G.

Mr. Ahmed Ali Ghumro, Advocate for BOR.

SIP Wazeer Ali P.S. Shah Lateef Town.

ORDER

Muhammad Junaid Ghaffar, J. Through this Petition, the

Petitioner has sought the following relief(s):

- A. To Direct Respondent No.6 to 8 to brought the whole record of DEH Amri Batti, DEH Gujro, DEH Tappo Songhal, DEH Tappo GADAP and DEH Tappo Gujro of the Naiclass of 65 Acres of Government Land which are adjusted in different Societies name and also passed order to cancel all fake societies as well as the personal name of the Government Land which are involved in the Approx 90 Arab Rupees Corruption.
- B. To Direct the Respondent No.15 to 17 to hold an enquiry against Respondent No.1 to 8 of 65 Acres of Government Land which are transferred in the name of fake societies by way of cheating, fraud and misappropriation only to embezzled Government amount of money in their pockets.
- C. To Direct the Respondent No.10 to 14 to arrest all those land grabbers and also under the supervision of Respondent No.14 and to arrest all those who are changing the status on their name.

D. To direct Respondent No.9 & 18 to hold an enquiry against the Respondent No.1 to 8 about their corruption which is Approx about 90 Arab Rupees, if they found guilty the legal action has to be taken according to law.

E. Any other relief may kindly be granted if they deemed fit according to law.

2. At the very outset, learned Counsel for the Petitioner was confronted as to maintainability of this Petition and as to how the aforesaid prayers can be granted. Learned Counsel submits that this is public interest litigation and involves misuse of Government Land, therefore, the Respondents be directed to act as prayed.

3. We have heard learned Counsel for the Petitioner as well as learned Additional Advocate General. In our view the aforesaid prayers are too generic in nature and do not specify as to what relief(s) exactly the Petitioner seeks from this Court. The aforesaid prayer(s) appears to be a fishing expedition in respect of various lands and so also for holding the enquiry without any land being specified. Though, we are mindful of the fact that in public interest litigation, it is the interest of the public at large, which is to be secured and can be termed as a legal action of proceedings for protection and/or enforcement of the fundamental rights of the public at large. We are also aware that it is different from ordinary litigation amongst the parties, which are adversary in nature. However, at the same time, it must also be kept in mind that such public interest litigation must be founded on *bonafides*. Unfortunately, we have come across several cases wherein, people have come to Court to settle personal injury and grudge under the garb of public interest litigation, which has resultantly, defeated the very intent and purpose of such litigation. In this matter, we are not satisfied that the Petitioner has come before this Court for

the public at large and it appears that this Petition has been thrown before the Court for carrying out inquiry and investigation. This, we may observe, is not the spirit behind entertaining public interest litigation. The learned Lahore High Court through order dated 20.04.2017 passed in **W.P No.9156/2017** (***Mian Shabir Asmail v. The Chief Minister of Punjab etc.***) has been pleased to observe as under while discussing importance as well as implication of the public interest litigation:-

“13. It is, therefore, a precondition that any public interest litigation is grounded in *bona fide* public interest. The Courts do not allow that the corridors of justice are polluted by vested interests or unscrupulous litigants. The Court must, therefore, be satisfied regarding the credentials of the petitioner, the *prima facie* correctness of the information placed before the Court, the specific and definite nature of the information and seriousness of the pleadings. The court must distinguish between the **public interest litigation** and a **publicity interest litigation** or **private interest litigation** or **politics interest litigation**.”

14. Public interest litigation should not be allowed to become a deal to settle personal vendetta or to wreak vengeance or to malign any party or to bring anybody into disrepute with baseless allegations. There must be at all times, real and genuine public interest involved in the litigation and credible information for maintaining a cause before the court. Public interest litigation should not be mere adventure or an attempt to carryout fishing expedition to settle personal scores. Reliance is placed on *Dr. B. Singh v. Union of India (AIR 2004 SC 1923)*.”

4. We are fully in agreement with the said observation. In view of hereinabove facts and circumstances of the case, we are of the view that the prayer(s), as above, cannot be granted through instant Petition, which is accordingly dismissed with pending applications. However, if the Petitioner is in possession of any specific act, whereby, he is aggrieved, he is at liberty to seek appropriate remedy in accordance with law.

Dated: 23.05.2017

Judge

Judge